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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

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IN THE MATTER OF

ROBERT POSNER, D.D.S.  
License No. 22DI01628000

LICENSED TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY

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: Administrative Action  
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: CONSENT ORDER OF REINSTATEMENT  
: OF LIMITED LICENSURE  
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This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the application of Robert Posner, D.D.S. ("respondent"), seeking to reinstate his license to practice dentistry. A Final Order suspending respondent's license was entered by the Board on October 16, 2002. The Final Order followed the filing of verified complaint by the Attorney General in January 2002. The complaint was based on respondent's plea of guilty on March 8, 1999 to committing acts of sexual contact with five different persons. Specifically, respondent admitted that on diverse dates during the period of July 1993 through July 1997, he had physical contact with D.S., G.D., L.K., M.L. and L.M., by touching their breasts and/or buttocks for the purpose of sexual gratification. D.S., G.D., L.K. and M.L. were dental assistants working in respondent's dental practice. L.M. was a patient in respondent's practice.

According to the Final Order, respondent's license to practice dentistry in New Jersey was suspended for a period of eight (8) years, four years of which were served as an active suspension commencing retroactive to June 19, 1998. The remaining four years were to be served as a period of probation. The four year period of probation is to commence upon respondent's compliance with the terms outlined in the Final Order and his return to practice.

Pursuant to the Final Order, respondent, at the time he seeks reinstatement, is required to comply with certain conditions. Specifically, respondent is to submit to an evaluation, at his expense, by the Physician's Health Program (P.H.P.) of the Medical Society of New Jersey. Additionally, respondent is required to obtain a passing score in the North East Regional Boards or the Florida State Board Examination. He is to be prohibited from engaging in the solo practice of dentistry upon his return to practice and must practice with a monitor present in the operatory at all times. Respondent is to continue in counseling as directed by his psychotherapist and other persons involved in his treatment and appear before the Board three months before the end of his period of probation to determine what restrictions, if any, should be continued or imposed by the Board so as to protect the public health, safety and welfare.

In connection with respondent's application for reinstatement, he was evaluated by the Physician's Assistance Program of New Jersey (PAP). The Board received a position statement from the PAP. According to the position statement, respondent entered into an inpatient residential treatment program for psychosexual disorders at Keystone in September 1998 for a sixty day period. Upon completion of the inpatient program, respondent became involved in both individual and group therapy with the Sex Abuse Treatment and Trauma Institute (SATTI) for a period of nine months. Following his involvement with SATTI, respondent moved to Florida and became involved in group and individual therapy from May 1999 until 2001.

Respondent has successfully passed the Florida State Board examination. Additionally, respondent is currently being seen by Dr. Steven N. Gold, clinical psychologist, for individual therapy. According to a report from Dr. Gold, respondent "has continued to demonstrate a strong commitment to treatment. He is intently involved during sessions and follows through on directives between meetings. He has undergone a substantial transformation over the past few years...is no longer preoccupied with sexual matters...and continues to make steady progress in resisting acting on impulse." Dr. Gold concluded by stating he does not "see relapse as a significant risk."

The PAP position statement concludes that respondent could return to practice with certain restrictions and requirements placed on his practice. The PAP reached this conclusion based on respondent's seven years in ongoing, documented recovery from his diagnosis of psychosexual disorder and based on Dr. Gold's belief that respondent is fit to return to practice and poses no threat to his patients and staff.

Respondent appeared before the Board on July 26, 2006 regarding his application for reinstatement. Respondent provided testimony regarding his treatment and efforts at recovery. Having considered the testimony of respondent and the reports provided, the Board has

determined that respondent's license is to be reinstated subject to the conditions outlined in this order. Although respondent appears to be in solid recovery at this time, the Board is keenly aware of respondent's history and therefore any deviation from the terms of this order will result in an immediate suspension of respondent's license. The Board finds that such a provision coupled with the restrictions placed on respondent's practice by this order are adequate to protect the health, safety and welfare of the public, and that good cause exists for entry of this order.

IT IS ON THIS *20<sup>th</sup>* DAY OF *December*, 2006

HEREBY ORDERED THAT:

Respondent's license to practice dentistry in the State of New Jersey is hereby reinstated subject to the limitations embodied in this order.

1. Respondent is prohibited from owning his own dental practice or otherwise engaging in solo practice until further order of the Board.

2. Respondent is prohibited from treating female patients until further order of the Board. Respondent's practice shall be limited solely to male patients.

3. Respondent may treat male patients only when a Board approved monitor, specifically a dentist, a dental hygienist or a dental assistant, licensed or registered with the Board, is physically present in the office at all times respondent has patient contact.

(a) The Board approved monitor shall be made fully aware of respondent's condition, history and status with the Board. Respondent shall provide such Board approved monitor with a copy of this order.

(b) The Board approved monitor shall agree to be responsible for immediately reporting to the PAP and to the Board, orally and in writing within twenty-four (24) hours, any evidence or behavior indicating that respondent is engaging in improper conduct toward any patient or other person or has otherwise violated any of the terms of this order.

(c) The respondent shall provide the Board with a copy of this order signed by the Board approved monitor, signifying his or her agreement to make reports to the Board as outlined in (b).

(d) The monitor shall be in direct line of observation of the patient at all times and shall not perform any function other than monitoring while respondent renders diagnostic treatment or other dental services to any male patient.

(e) The monitor shall initial and date each patient chart at the conclusion of the monitored visit.

(f) In the event a monitor is not present, respondent shall reschedule appointments to a time when the monitor will be present.

(g) Should respondent fail to comply with any provisions of this Order, the monitor shall immediately notify the Board of the non-compliance by telephone to Kevin B. Earle, Executive Director, at (973) 504-6405. That conversation shall be memorialized in writing to the Board and mailed to the New Jersey Board of Dentistry, P.O. Box 45005, Newark, New Jersey, 07101.

(h) Respondent shall maintain a log book which shall contain the dates on which he engages in the practice of dentistry and the name of the Board approved monitor. That log book shall be initialed by the monitor after each date on which treatment was rendered and the monitor was present. Respondent shall forward a copy of the log book to the Board on a quarterly basis.

(i) Respondent shall notify the Board immediately if the Board approved monitor is no longer serving in that capacity. Any replacement or substitution of the monitor shall only occur upon contacting the Board office with the name of the licensed dentist, registered hygienist or registered assistant he intends to employ in order to verify that they are licensed in the state of New Jersey.

4. Respondent shall maintain his enrollment with the Physician's Assistance Program (PAP) and follow all their recommendations for treatment and counseling, including but not limited to attendance at support groups of Sex Anonymous or Sex and Lovers Anonymous, a minimum of three meetings each week. Respondent shall also engage in individual and/or group counseling with a therapist with expertise in treating psychosexual disorders. The frequency of the sessions is to be determined by the therapist with notification to the Executive Medical Director of the Professional Assistance Program. The therapy is not to be discontinued unless the therapist, in consultation with the Executive Medical Director of the PAP, determined that it is no longer medically necessary.

5. Respondent shall be responsible for ensuring that any treating therapist or counselor provides the PAP and the Board with quarterly reports regarding his attendance, progress and compliance with treatment. For purposes of this order, the first quarter commences on October 1, 2006. The first submission shall be due no later than December 31, 2006.

6. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treatment or other program as outlined in this order, as may be required, in order that all reports, records, and other pertinent information may be provided to the

Board and the PAP in a timely manner. Via his signature on this order, respondent agrees that the Board may utilize any information received in connection with any procedure regarding licensure.

7. Respondent may seek modification of the terms of this order not sooner than one (1) year from its entry. Prior to any modification or removal of restrictions set forth in this order, respondent shall:

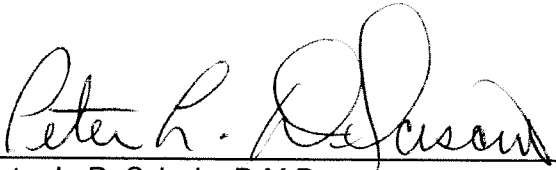
(a) Appear before the Board or a committee of the Board to discuss his recovery and to demonstrate to the satisfaction of the Board that he is not then suffering from any impairment or limitation resulting from any psychiatric condition, which could affect his practice.

(b) Prior to his appearance, respondent shall provide the Board with reports from each and every mental health professional (including, but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in respondent's care and/or treatment during the period of time from his entry into treatment to his appearance and the Board may require receipt of a report of an independent psychiatric evaluation with a Board approved psychiatrist.


8. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice upon the Board's receipt of any information which the Board in its sole discretion deems reliable demonstrating that respondent is not capable of carrying out the functions of a licensee consistent with the public health, safety or welfare or that respondent has failed to comply with any of the conditions set forth in this consent order.

9. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice. Proof at such hearing shall be limited to whether this Order has been violated.

NEW JERSEY STATE BOARD OF DENTISTRY

By:   
Peter L. DeSciscio, D.M.D.  
Board President

I have read and understand this  
Consent Order and agree to be  
bound by its terms. I consent to  
the entry of this Order.

  
Robert Posner, D.D.S.

12/10/06  
Date

I have read and understood the within  
Order and agree to comply with the  
terms that relate to the monitoring and  
reporting requirements as Dr. Posner's  
Board approved monitor.

TO Follow When I  
RETURN TO PRACTICE  
(Print and Sign Name)